

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEENAN R. ELLSBERRY,

Plaintiff,

CIVIL ACTION NO. 12-10934

v.

DISTRICT JUDGE GERALD E. ROSEN

CITY OF DETROIT,  
BRIAN TERECHENOK, WILLIAM ZEOLLA,  
JUSTIN LYONS, OFFICER KILE, AND  
JAMES AUDE,

MAGISTRATE JUDGE MARK A. RANDON

Defendants.

**ORDER GRANTING IN PART DEFENDANTS' MOTION FOR LEAVE TO  
WITHDRAW (DKT. NO. 46) AND GRANTING  
PLAINTIFF'S MOTION TO ENFORCE ORDER (DKT. NO. 57)**

This matter is before the Court on two motions: (1) Defendants' Motion for Leave to Withdraw as Counsel for Defendants Brian Terechenok, Justin Lyons, and William Zeolla and Protective Order to Stay Civil Proceedings (Dkt. No. 46); and (2) Plaintiff's Motion to Enforce Order (Dkt. No. 57). Oral argument was heard on January 8, 2013. For the reasons stated on the record, the Court finds as follows:

- (1) Defendants' request for permission to withdraw as counsel for Terechenok, Lyons, and Zeolla is **GRANTED**. Defense counsel will remain counsel of record for 60 days or, until the Detroit City Council disapproves representation (whichever occurs first).
- (2) Defendants' request for a stay is **DENIED**. However, Plaintiff may not depose Terechenok, Lyons, or Zeolla for 60 days. During this 60 day period, Terechenok, Lyons, and Zeolla must attempt to secure new counsel. If they cannot obtain new counsel, these Defendants must proceed *pro se* until they do so. Discovery on the remaining Defendants will proceed.
- (3) Plaintiff's request for the "Investigators Report" is **GRANTED**. Defendants did not object to the Court providing Plaintiff a copy of the documents they

previously provided *in camera*; therefore, the Court provided a copy of these documents on January 8, 2013.

**IT IS ORDERED.**

s/Mark A. Randon  
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MARK A. RANDON  
UNITED STATES MAGISTRATE JUDGE

Dated: January 9, 2013

**Certificate of Service**

*I hereby certify that a copy of the foregoing document was served on the parties of record on this date, January 9, 2013, by electronic and/or first class U.S. mail.*

s/Melody R. Miles  
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Case Manager to Magistrate Judge Mark A. Randon  
(313) 234-5542